

**STATE OF MARYLAND
JUDICIARY**

Policy On Separation From Employment

I. PURPOSE

To establish uniform practices for the separation from employment with the Maryland Judiciary, excluding involuntary termination of employment.

II. DEFINITIONS

A. Administrative Official

1. The Clerk of Court for the Court in which the employee works;
2. The Administrative Clerk or Administrative Commissioner for the District in which the employee works;
3. The director of the respective department or office within the Courts of Appeal, the Administrative Office of the Courts, the District Court Headquarters, or the Court-Related Agency in which the employee works.

B. Contractual Employee – Any person whose condition of employment and compensation are specified in a personal services contract.

C. Regular Employee – Any person holding a position funded under an approved budget and having an assigned Position Identification Number (PIN), not including contractual and temporary positions, nor those positions held by Judges, Masters, and Law Clerks.

D. Temporary Employee – Any person whose condition of employment is short-term (less than one year), whose compensation is not specifically budgeted, and is not governed by a personal services contract.

III. SCOPE

This policy applies to all regular, contractual and temporary employees of the Maryland Judiciary.

IV. POLICY STATEMENT

There are many reasons for which an employee may choose or be required to leave employment with the Judiciary. This policy describes the general categories of separation, (excluding the involuntary termination of employment for reasons other than reduction in force), and outlines procedures to be followed. The involuntary termination of employment for reasons other than reduction in force for regular employees is covered under the *Policy on the Involuntary Termination of Employment and Rejection on Probation for Regular Employees and Employees on Initial Probation*. There is no formal policy addressing the involuntary termination of employment for contractual and temporary employees. They are considered “at will” employees, meaning their employment can be terminated by the Judiciary at any time for any reason that is not illegal.

V. SEPARATION FROM EMPLOYMENT

A. Resignations

A resignation is an oral or written statement by an employee of intent to voluntarily terminate employment with the Judiciary. An employee planning to resign is expected to submit a written notice of resignation to the immediate supervisor or the Administrative Official specifying the last day of employment and the reason for leaving. If the employee resigns orally and does not submit a written resignation, then the supervisor shall prepare a memorandum, including the last day of work and reason for resignation, to the Administrative Official. In either case, the supervisor shall immediately notify the Administrative Official of the resignation.

For an employee to resign or transfer from the Judiciary in good standing, the resignation notice must be given at least two weeks prior to the last day of work. Exceptions to this requirement may be granted at the discretion of the Administrative Official based on unusual or extenuating circumstances. Once the resignation is provided, the Administrative Official, at his or her discretion and with or without the approval of the employee, may make the effective date of the resignation earlier than the date provided by the employee, if the Administrative Official determines it is in the best interest of the Judiciary. The resignation is to be forwarded to the Judiciary Human Resources Department (JHRD) immediately.

A resignation in lieu of termination of employment indicates that the employee did not resign in good standing and, therefore, the employee is

prohibited from future employment with the Maryland Judiciary.

B. Job Abandonment

An employee who does not report to work for three consecutive workdays, does not notify the supervisor of the extent and cause of the absence and provide supporting documentation as required by this policy, will be considered to have abandoned his or her employment, absent extraordinary circumstances.

Job abandonment is a voluntary resignation without notice and precludes the employee from future employment with the Judiciary. If this situation occurs, the supervisor is to immediately notify the Administrative Official or designee. The Administrative Official shall immediately provide written notification to JHRD.

The Administrative Official or designee shall prepare and send a written notice via **overnight mail** to the employee. The notice shall advise the employee that he or she has abandoned his or her position and, therefore, has voluntarily resigned from employment. The notice also shall indicate the effective date of the resignation. The effective date shall be the last day the employee was at work or on approved leave, whichever last occurred. The notification shall provide at least three work days for the employee to respond with any extraordinary circumstances that the employee believes would warrant a reversal of the determination.

The Administrative Official shall consider this information, in consultation with JHRD, and has the discretion to rescind the job abandonment/voluntary resignation. The employee may not appeal this decision.

C. Reduction in Force (Lay-Offs)

Reductions in force (RIF) normally arise from a reduction in funding or lack of work. Such actions may result, however, from reorganization or a change in focus of some aspect of the operation of the Judiciary.

Employees separated from employment as a result of a RIF may reapply for any future vacancy with the Judiciary for which they qualify. A reduction in force and the subsequent lay-offs are not subject to a grievance action.

D. Retirement (Does not apply to contractual and temporary employees.)

An employee has two retirement options: length of service and disability.

1. Length of Service

An employee planning to retire due to length of service is expected to submit a written notice of intent to retire and the effective date of the retirement. The notice should be submitted to the immediate supervisor, local human resources associate, or Administrative Official as early as possible and preferably no later than two months prior to the effective date of retirement. If the notice is submitted to the supervisor or the human resources associate, he or she should immediately notify the Administrative Official of the employee's intent to retire. Upon receipt of the notice, the Administrative Official shall immediately notify JHRD.

The employee should immediately contact the local human resources associate or JHRD to complete the necessary retirement paperwork, or the employee may contact the State Retirement and Pension System directly. It generally takes six weeks to process the retirement paperwork.

2. Disability Retirement

a. Regular Disability

An employee who has been diagnosed as unable to continue employment or unable to perform the job duties due to an illness or medical condition may apply for disability retirement. To be eligible, the employee must have:

- at least five years of service credit;
- permanent incapacitation from performing the essential functions of one's job; and
- the approval by the Medical Board and Board of Trustees of the Maryland State Retirement Agency.

An employee who believes he or she may be eligible for disability retirement should contact the local human resources associate or JHRD for the appropriate forms. Applications for disability retirement resulting from a terminal illness generally will be processed immediately by the State Retirement and Pension System.

b. Accidental Disability Retirement

An employee who has been diagnosed as unable to continue employment or to perform the essential job duties of his or her position due to an accidental on-the-job injury may apply for accidental disability retirement. To be eligible for accidental disability retirement, the employee must have:

- sustained an on-the-job injury resulting in a permanent disability;
- permanent incapacitation from performing the essential functions of one's job; and
- the approval by the Medical Board and Board of Trustees of the Maryland State Retirement Agency.

There is no service requirement for accidental disability benefits.

An employee who believes he or she may be eligible for accidental disability should contact the local human resources associate or JHRD.

VI. LEAVE REQUESTS PENDING SEPARATION FROM EMPLOYMENT

Requests for leave presented by an employee who has given notice of resignation or retirement, or who has been given notice of a RIF or termination of employment, are to be processed in accordance with the appropriate Judiciary leave policy.

VII. JUDICIARY EXIT SURVEY FORM

Supervisors or Administrative Officials should, upon an employee's separation from employment, provide the employee with a Judiciary Exit Survey form. The employee may complete the form and mail it to the JHRD Employee Relations Unit, or fax it to the unit at 410-260-1253.

VIII. INTERPRETIVE AUTHORITY

The Judiciary Human Resources Department, in consultation with other parties as appropriate, is responsible for the interpretation of this policy.